

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-04072-SSS-AJR

Date: November 14, 2024

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Title: Paul L. Pipitone v. Deputy Matthew Barksdale

DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD
NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

PRESENT:

HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE

Claudia Garcia-Marquez

Deputy Clerk

None

Court Reporter/Recorder

None

Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS)

On May 15, 2024, Plaintiff Paul L. Pipitone (“Plaintiff”), proceeding *pro se*, filed a Complaint (the “Complaint”) which the Court screened and dismissed with leave to amend on May 23, 2024. (Dkts. 1, 6.) Plaintiff filed a First Amended Complaint (“FAC”) on August 2, 2024 which the Court dismissed with leave to amend on August 26, 2024. (Dkts. 12, 14.) On September 24, 2024, Plaintiff filed a Second Amended Complaint (“SAC”) which the Court dismissed with leave to amend on October 1, 2024. (Dkts. 15-17). Plaintiff was directed to file a Third Amended Complaint (“TAC”), if any, by October 31, 2024. (Dkt. 17.)

Two weeks have passed since Plaintiff’s deadline to file a TAC in response to the Court’s October 1, 2024 order. As of today, Plaintiff has neither filed an amended complaint nor requested an extension of time in which to do so. This action cannot move forward unless and until Plaintiff files an amended complaint. Plaintiff is ordered to file a TAC, if any, by **November 28, 2024** or show cause why the action should not be dismissed with prejudice for failure to prosecute. If Plaintiff chooses to file a TAC, it

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should attempt to remedy the pleading defects identified in the October 1, 2024 dismissal order (Dkt. 17), bear the docket number assigned to this case (2:24-cv-04072-SSS-AJR), be labeled “Third Amended Complaint,” and be complete in and of itself without reference to the original Complaint, the FAC, the SAC, or any other documents (except any documents that Plaintiff chooses to attach to the TAC as exhibits). Plaintiff is encouraged to state his claims in simple language and provide only a brief statement of supporting facts, omitting facts that are not relevant. Should Plaintiff decide to file a TAC, he is strongly encouraged to utilize the form complaint attached to this Order.

Plaintiff is expressly advised that if he does not file a TAC by the Court’s deadline or respond to this order, the Court will recommend that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey Court orders. If Plaintiff no longer wishes to pursue this action or certain claims or defendants, he may voluntarily dismiss the entire action, certain claims, or certain defendants by filing a Notice of Dismissal in accordance with Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for Plaintiff’s convenience.

IT IS SO ORDERED.

Attachments:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).
Pro Se 15, Complaint for Violation of Civil Rights (Non-Prisoner), available at
<https://www.uscourts.gov/forms/pro-se-forms/complaint-violation-civil-rights-non-prisoner>.